

Acton MA Bylaw update:

Existing language

“4.1. Flood Plain District– The flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw.”

The Federal Emergency Management Agency creates maps that define a community's floodplain district boundaries. These maps include base flood elevations and floodway data. The maps form the basis of a community's floodplain management program. To ensure compliance with the requirements of the NFIP, communities must refer to the current effective Flood Insurance Study and Flood Insurance Rate Maps in their bylaw.

Update needed from State Model By-Law

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Acton designated as Zone A, AE, AH, AO, A99, V, or VE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Acton are panel numbers 25017C0238E, 25017C0239E, 25017C0241E, 25017C0242E, 25017C0243E, 25017C0244E, 25017C0351E, 25017C0352E, 25017C0353E, 25017C0354E, 25017C0356E, 25017C0357E, 25017C0358E and 25017C0366E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Engineer, Town Clerk, Planning Board, Building Official, Conservation Commission and (Other).

Comment [cjm1]: The community needs only to state the zones that appear in their community.

Comment [cjm2]: The maps are no longer community based, they are “Countywide” maps.

Comment [cjm3]: Each map panel needs to be identified that a community has land on.

Comment [cjm4]: Only the offices that have the FIRMs and FIS available for public reference need to be listed here.

We recommend clearly identifying a Floodplain District and placing this language in 4.1.3 and removing what is currently there. The format for the above language has been used for several communities throughout the state that have received new flood maps. The language format has been reviewed by the State Attorney General's Office as acceptable.

2.2 Zoning Map

“Flood Insurance Rate Map”, dated January 6, 1988 (Scale 1”=400’ consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the Flood Insurance Study, Town of Acton, January 6, 1988”.

Also for 2.2, the language would need to be changed to “Middlesex County” in lieu of “Town of Acton” and the date of June 4, 2010. Also, the scales are now 1”=500’ and there are 14 panels.

Recommended language:

“Flood Insurance Rate Maps” dated June 4, 2010 (Scale 1”=500’ consisting of 14 panels, plus the map index) and the associated data in the Middlesex County Flood Insurance Study, June 4, 2010.

4.1.3.1 Language needs to be updated to reference the new Flood Insurance Study:

The Base Flood Elevations for AE-Zones shall be the regulatory elevations from Table 8 and the cross section locations from the Flood Profiles contained in the “Middlesex County, Massachusetts, Flood Insurance Study, June 4, 2010” published by the Federal Emergency Management Agency (FEMA).

Additional Requirement:

Located in 44CFR 60.3(b)(6) and not covered in any State regulation. This is a minimum requirement of the NFIP regulations and needs to be included in each participating community’s Zoning By-Law.

NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, (appropriate official in community) shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Additional comments:

Any development within the 100-year floodplain must meet the requirements of several state regulations as well as local requirements. In order to ensure project proponents are aware of all requirements must be met, and that a variance to local requirements does not constitute a variance to state regulations, those state regulations should be incorporated by reference into the town bylaw. Article IV, Section A of the model bylaw contains recommended language to do so:

The Floodplain District is established as an overlay district to all other districts.

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Also, it is generally recommended to avoid using paraphrased Building Code language in the zoning bylaw. By referencing the building code as recommended above, it is no longer necessary in the bylaw. Building Code language in Acton's bylaw includes Section 4.1.8.1 c, d and f.